

MELINDA HAAG (CABN 132612)  
United States Attorney

MIRANDA KANE (CABN 150630)  
Chief, Criminal Division

CAROLYNE ARANGO SANIN (DCBN 499564)  
Special Assistant United States Attorney  
150 South Almaden Boulevard, Suite 900  
San Jose, California 95113  
Telephone: (408) 535-5596  
Facsimile: (408) 535-5066  
carolyne.sanin@usdoj.gov

Attorneys for the United States

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	No. 08-CR-375 RMW
	)	
Plaintiff,	)	STIPULATION AND []
	)	ORDER CONTINUING HEARING TO
v.	)	APRIL 30, 2012
	)	
JAVIER ESPINOZA,	)	
	)	
Defendant.	)	
	)	
	)	

The Parties, acting through respective counsel, hereby stipulate, subject to the Court's approval, that the hearing currently set for March 26, 2012 at 9 a.m. be vacated, and that the hearing be re-set for April 30, 2012 at 9 a.m. The parties are requesting the continuance of the hearing due to the need for additional time for effective preparation, and the need to jointly negotiate a resolution in this matter.

The parties stipulate that the time between March 26, 2012 and April 30, 2012, is excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Finally, the parties agree that the ends of justice served by granting the requested continuance outweigh the best interest of the

public, and the defendant in a speedy trial and in the prompt disposition of criminal cases. 18  
U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

DATED: March 21, 2012

MELINDA HAAG  
United States Attorney

/s/  
CAROLYNE A. SANIN  
Special Assistant United States Attorney

/s/  
VARELL FULLER  
Attorney for Defendant

**¶ ORDER**

GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY  
ORDERED that the hearing currently set for March 26, 2012 at 9 a.m., shall be continued to  
April 30, 2012, at 9 a.m.

THE COURT FINDS that failing to exclude the time between March 26, 2012 and April  
30, 2012, would unreasonably deny the government continuity of counsel and deny defense  
counsel reasonable time necessary for effective preparation, taking into account the exercise of  
due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).

THE COURT FURTHER FINDS that the ends of justice served by excluding the time  
between March 26, 2012 and April 30, 2012, from computation under the Speedy Trial Act  
outweigh the interests of the public and the defendant in a speedy trial.

THEREFORE, IT IS HEREBY ORDERED that the time between March 26, 2012 and

1 April 30, 2012, shall be excluded from computation under the Speedy Trial Act, 18 U.S.C. §  
2 3161(h)(7)(A) and (B)(iv).

3  
4 IT IS SO ORDERED.

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6 DATED: ~~HEG~~ ~~EG~~

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8 RONALD M. WHYTE  
9 UNITED STATES DISTRICT JUDGE  
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